

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 20-63562-PMB
)	
TRACY DENNIS,)	
)	CHAPTER 7 Proceeding
Debtor.)	
_____)	
)	Adversary Proceeding No. 20-06079-PMB S.
GREGORY HAYS,)	
Chapter 7 Trustee For The Estate Of)	
Tracy Dennis,)	
)	
Plaintiff,)	
v.)	
)	
UNITED COMMUNITY BANK,)	
)	
Defendant.)	
_____)	

**SUBPOENA TO FULTON COUNTY CLERK OF COURT
FOR THE PRODUCTION OF DOCUMENTS**

**TO: Cathelene Robinson
Clerk of the Superior Court of Fulton County
136 Pryor Street, Suite C155
Atlanta, GA 30303**

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents, identified on Exhibit "A" attached hereto, at the place, date and time specified below:

Date: January 31, 2021

Time: 10:00 a.m.

Location: The Gilroy Firm
3780 Mansell Road, Suite 140
Alpharetta, GA 30022

This 1st day of January, 2021.

Respectfully submitted,

THE GILROY FIRM

/s/ Monica K. Gilroy
MONICA K. GILROY
Georgia Bar No. 427520
MATTHEW F. TOTTEN
Georgia Bar 798589
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Exhibit “A”

EXHIBIT "A"

Definitions

- A. The term "**document**" is intended to have the broadest permissible meaning under the Federal Rules of Civil Procedure and shall mean any written, printed, recorded, taped, electromagnetically recorded or encoded, electronically stored, graphic or other matter of every type and description that is or has been in the possession, custody, or control of you or any of your agents and attorneys, or of which you have knowledge, and shall include without limitation, the following: letters, correspondence, affidavits, declarations, statements, books, articles, reprints, resolutions, minutes, communications, messages, e-mails, electronic communications, electronically stored information, notes, loan documents, collateral documents, stenographic or handwritten notes, memoranda, diaries, contracts, subcontracts, bids, worksheets, drafts, agreements, records, resumes, invoices, receipts, bills, cancelled checks, financial statements, audit reports, tax returns, calendars, schedules, summaries, studies, calculations, estimates, diagrams, sketches, drawings, plans, photographs, tapes, videotapes, movies, recordings, transcriptions, work orders, computer print-outs, computer disks, data processing cards, data storage cards, and the like; and where originals of such documents are not available or are not in your possession, custody or control, every copy of every such document; and every copy of every such document where such copy is not an identical copy of the original or where such copy contains any commentary or notation whatsoever which does not appear on the original.
- B. The term "**Debtor**" refers to Tracy Dennis, her authorized agents, attorneys, representatives, and to any other person that is or has ever acted for or on behalf of her.
- C. The term "**Clerk**" refers to the Clerk of Court for the Superior Court of Fulton County, Georgia.
- D. The term "**UCB Deed**" refers to that certain *Security Deed*, which Tracy Dennis signed on or about October 15, 2019 and through which Tracy Dennis granted a security interest in that certain real property with a common address of 6885 Estepona Street, Atlanta, Fulton County Georgia 30349 to United Community Bank to secure the repayment of a debt owed by Tracy Dennis to United Community Bank in the original principal amount of \$169,990.00.
- E. The term "**Property**" refers to that certain real property with a common address of 6885 Estepona Street, Atlanta, Fulton County, Georgia 30349.
- F. The term "**Transfers**" refers to the conveyance of an interest in the Property arising from the UCB Deed.
- G. The term "Multiple Attempted Filings" refers to the above referenced UCB Deed sent by Wessels and Gerbert, P.C. and delivered via Federal Express to the Fulton County Superior Court on October 28, 2019 at 8:02 am (Tracking 776700984077); and again delivered via Federal Express to the Fulton County Superior Court on January 13, 2020 at 8:11 a.m. (Tracking 77311067977); and again delivered via Federal Express to the Fulton County Superior Court on January 29 2020 at 8:40 a.m. (Tracking 777624494020); and again delivered via Federal Express to the Fulton County Superior Court on February 4, 2020 at 8:19 a.m. (Tracking 777670793591)

Document Request

Please produce the following:

- 1) Copy of all written guidelines and procedures used by the Clerk of Superior Court for processing documents presented for filing and recording in the Fulton County Real Property Records;
- 2) Copy of all log books, and any other documentation, which reflects receipt of documents presented for filing and recording in the Fulton County Real Property Records Office for the time period of October 28, 2019 through February 5, 2020 ;
- 3) Copy of all log books, and any other documentation, which reflects the processing of the Multiple Attempted Filings of the UCB Deed, as-presented for filing and recording;
- 4) Copy of all log books, or any other documentation, which reflects the rejection of documents presented for filing and recording for the time period of October 28, 2019 through February 3, 2020;
- 5) Copy of all log books, or any other documentation, which reflects the returning of documents presented for filing and recording for the time period of October 28, 2019 through February 3, 2020;
- 6) Copies of all communications from Your office relating to the rejection of the Multiple Attempted Filings of the UCB Deed, as sent by Wessels & Gerber, PC.
- 7) Copies of all documents related to the Multiple Attempted Filings of the UCB Deed by Wessels & Gerber, PC

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of January, 2021, filed the within and foregoing by CM/ECF, which will serve notice on all necessary parties.

Michael J. Bargar
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Attorney for Plaintiff

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